

Naples City Council

July 23, 2009

Minutes

The regularly scheduled meeting of the Naples City Council was held July 23, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Robert Hall, Dennis Long, Dan Olsen, and Kenneth Reynolds. Gordon Kitchen was absent

Others attending were Morgan Philpot, Mark Watkins, Ryan Cook, Chris Hoem, JoAnn Hancock, Craig Blunt, and Nikki Kay.

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and the invocation was offered by Ken Reynolds.

Dennis Long **moved** to approve the agenda as presented. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker asked for approval of the minutes of July 9, 2009. Dan Olsen **moved** to approve the minutes of July 9, 2009 as prepared. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Councilman Long asked Craig if he met with Ms. Lucero, the Economic Development Director. Craig stated he and Chris did meet with Ms. Lucero. They drove around the City and discussed with her the different needs for this area. The Council recommended sending Mr. Lucero a followup letter, thanking her for meeting with them.

Connie Patton presented the bills in the amount of \$32,966.64 and asked for approval to pay them. Ken Reynolds **moved** to approve the bills for \$32,966.64. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Absent

DATE, TIME & PLACE OF MEETING

COUNCIL MEMBERS ATTENDING

OTHERS ATTENDING

OPENING CEREMONY

AGENDA APPROVED

MINUTES APPROVED

FOLLOW UPS FROM PREVIOUS MEETING

APPROVAL OF THE BILLS

Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

A business license application was received for Extreme Automotive at 1786 S 1500 E. Craig Blunt stated he had not had time to visit with the owners of Extreme Automotive yet and look at their building. Ken Reynolds **moved** to approve the business license for Extreme Automotive contingent upon a satisfactory final inspection completed by Craig. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVAL

Morgan Philpot, legal representative for Reagan Signs, came before the Council again asking them to consider the segmentation of scenic byways. Chris Hoem gave the Council the recommendation of the Planning Commission. He reported the Commission felt it was a good idea to segment portions of the highway which is a scenic byway. Chris stated that currently Reagan signs can move their signs horizontally but not laterally. If the City chose to de-designate then Reagan could move their signs up to one mile but couldn't increase the sign area or the number of signs. He also pointed out that the Council could choose to only de-designate that portion of the highway needed to allow for movement of the signs. Craig Blunt offered one caution to the Council about scenic byways. He said two states are currently fighting for tourism money from the scenic byway committee. He said those were Gillett, Wyoming and Uintah County. He said the RV association follows the scenic byway roads and they are looking at coming to this area. Craig said he wasn't uncomfortable taking out the portion dealing directly with the sign but cautioned them about taking out more than that. Mr. Philpot said they are renewing their request of segmentation of the parcels of land that Reagan signs currently have billboards in Naples. He said that would take care of their situation in all regards. Mr. Philpot said their signs are located on property owned by Marc Brown, the property where the Studio 6 motel is being built, and the other parcel is just around the bend of the highway. He said the segmentation of those three locations would give them the flexibility they need to make a lateral move along the road. Mr. Philpot addressed Craig's comment about the RV Association and said it is a concern they have faced before. He said they have worked extensively with UDOT and it has been made clear by Congress that the FHWA does not have

SEGMENTATION OF SCENIC BYWAYS

the power or ability to discriminate against an appeal or segmentation based upon a local decision to segment. It says those decisions are left up to the entity and when you segment a small portion of road then UDOT and the Department of Tourism can continue to label that segment as a scenic byway on maps and can put scenic byway signs in the segment for the purpose of continuity. He said the FHWA has started to take a little too much power in telling states what they can do with scenic byways so Congress has reminded them how it should work. Mr. Philpot said when they first ran into the problem with Mr. Brown, they approached UDOT about moving the sign and were told they could not give them a permit and they would have to ask the FHWA. The FHWA said they could not move the sign laterally as long as there was a scenic byway overlay. Mr. Philpot said they want to be able to accommodate the property owners in moving the signs. Craig asked Mr. Philpot what the City gets out of this. He wants to know why the City should go through the effort because the billboards are in such poor condition. Mr. Philpot said the signs would be improved. Chris Hoem wanted to know if the City could enter into a contract with Reagan Signs stating, if they allow them to move the signs they won't go above a certain height when they relocate them. Mr. Philpot said if they wanted a commitment from them on height he would be happy to take that back to Guy Larson and ask if they would be willing to do that. Craig said he would also like a commitment on the upkeep of the signs. Mr. Philpot wanted the City to know they would be the test pilot for this type of request. He said no one else has succeeded in doing it. Ken Reynolds wanted to know what the City Attorney's opinion was. Chris Hoem said Dennis Judd recommended the City leave things as they are unless the City speaks with the other interested parties. Mayor Baker wanted to know if this segmentation has been done anywhere else. Mr. Philpot said the City of Loa tried and was denied. Mr. Philpot said with the new makeup of the scenic byway committee, the City could attempt to de-segment and nothing could be said or they might say they don't like the way it was done. He said the City could risk as many law suits in segmenting as they could in not segmenting. Mayor Baker said he was not ready to make a decision tonight and asked Craig and Chris to research the scenic byway for this area and see what the committees plan is. He also suggested they contact the State Representatives and get their thoughts on the matter. Ken Reynolds **moved** to table the matter until the second meeting in August. Dennis Long **seconded** the motion. The motion passed with all voting aye. Mr. Philpot

asked if the meeting could be moved to the second meeting in September to accommodate his schedule. The Council was in agreement on that.

A travel request was presented to the Council from Rachelle Palmer to attend the Utah Prosecution Council training. The request was for \$469.04. Dan Olsen **moved** to approve \$469.04. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***TRAVEL REQUEST FOR
CITY PROSECUTOR***

Air Conditioner - Ryan Cook came before the Council requesting approval to purchase an air conditioner for the office at the shop. He said it would be a free standing central air-conditioner. Ryan said he has priced them at around six hundred dollars. Dennis Long **moved** to approve \$600 for an air-conditioner. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***R E Q U E S T F O R
EXPENDITURES IN THE
ROAD DEPARTMENT***

Concrete Cutting - Ryan Cook asked for approval to expend \$8,823.29 to finish up the cutting of trip hazards on both sides the highway and a few extra places around the City. Robert Hall **moved** to approve the \$8,823.29. Ken Reynolds **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

2500 South dug way - Ryan Cook reported to the Council that when the project on the 2500 South dug way was nearing completion, it was determined they did not have enough material. He spoke with the Mayor and was given

approval to have Brownie Tomlinson finish the project. The extra cost for labor was \$925 and for material was \$2,395.01. Ryan said the money is in the budget. Dan Olsen **moved** to approve the expenditure. Ken Reynolds **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Ryan asked the Council if he could get approval to have Brownie Tomlinson to also grade the dug way on 1500 South. He estimated the cost to be between \$500 and \$700. Dan Olsen agreed to **amend** his motion on dug way expenses to include the cost for 1500 South.

Chief Watkins reported to the Council that one of the Dodge Chargers has a blown valve but he did not have the total cost for the repair yet. He asked the Council to table the matter until he could obtain the written estimate. No action was taken.

Mayor Baker told the Council the Chamber of Commerce was sponsoring a business symposium and wanted to know if the Council was interested in helping sponsor the symposium. Mayor Baker did not have any set amount but would like to help now that the City is a part of the Chamber. Ken Reynolds **moved** to approve \$500 for the symposium. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt told the Council that he met with Mr. Cooper concerning the replacement of his fence at 1000 South 2000 East. Craig said he had a hard time getting Mr. Cooper to agree to some of the details on the fence. Mr. Cooper was afraid it wouldn't get done the way he wanted. Mr. Cooper asked if the City would agree to give him \$3,000 for materials for the fence and he would build it himself. Robert

***VEHICLE REPAIR IN
POLICE DEPARTMENT***

***RECOMMENDATION TO
HELP SPONSOR
CHAMBER BUSINESS
SYMPOSIUM***

***REPLACEMENT OF
FENCE AT 1000 SOUTH
2000 EAST FOR BRENT
COOPER***

Hall **moved** to give Mr. Cooper \$3,000 toward material for the fence and allow him to build it. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins said he had looked at 1000 South to determine the speed limit for the road. He said currently there are no developments on 1000 South but they need to consider possible residential developments along there. He said if they have a higher speed limit sign it will be harder to lower it in the future. He recommended 25 mph or no higher than 30 mph. Ken Reynolds **moved** to approve 30 mph for 1000 South. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***RECOMMENDATION FOR
SPEED LIMIT SIGN ON
1000 SOUTH***

Craig Blunt told the Council the studies for a 4-way stop at 1500 South and 500 East were completed. He said the pre-warning signs will cost about \$1,600. Councilman Long wanted to know if there was enough traffic for that corner. Craig said the studies conducted warrant a 4-way there. Ken Reynolds **moved** to approve \$1,600 for the signs. Dennis Long **seconded** the motion. The motion passed with the following vote:

***4-WAY STOP AT 1500
SOUTH 500 EAST***

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins asked the Council to consider allowing him to take a retirement exemption. He explained that the City currently pays a percentage of his salary into a retirement account and that state law allows for a police chief to retire in office and claim a retirement exemption. He also asked the City to consider taking that same percentage and place it into a 401-k or a 457 account. He stated it would be the same thing they agreed to for Chief Guibord. Councilman Reynolds said he had no problem with it because they wouldn't be changing any amounts in the budget. After some discussion on the amounts or percentages, Dennis Long **moved** to approve the request for exemption and to allow the transfer

***R E Q U E S T F O R
R E T I R E M E N T
EXEMPTION***

of retirement into a 401-k and to freeze the percentage at the current rate of 23.34. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt asked the Council if they could schedule a final walk through for 1000 South. He asked if August 13th at 6:30 would work. He said this would be the day of the next council meeting. Council members agreed on that date and time.

***OTHER MATTERS AND
ADMINISTRATIVE
UPDATES
1000 SOUTH WALK
THROUGH***

Craig Blunt updated the Council on the traffic signals to be installed along the highway. He said UDOT will begin with the traffic signal on the other end of town and when they get to the signals in the City the police will be responsible for securing those intersections when they turn the lights on.

TRAFFIC SIGNALS

Craig Blunt explained the CDBG contract for land acquisition is ready to be signed. He said the original amount awarded was not enough so the City went after the emergency funding. He said they were awarded an additional amount from that request bringing the total awarded to \$120,000. Dan Olsen **moved** to authorize the Mayor to execute the documents for the CDBG. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

***CDBG CONTRACTS &
TRAVEL***

Gordon Kitchen	Absent
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

A travel request was also presented for Craig and Mayor Baker to attend the CIB hearings for the road equipment request. The meeting is set for August 6th. Craig requested per diem for the day and Mayor Baker need a hotel room for the night before. Dan Olsen **moved** to authorize the expenditure for Craig of \$30 and motel for the Mayor. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
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Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Dennis Long **moved** to go into a closed session to discuss the character, professional competence, or physical or mental health of an individual, and to discuss possible land acquisition. Ken Reynolds **seconded** the motion. The motion passed with all voting aye on roll call. Those present in the closed session were Mayor Baker, Robert Hall, Dennis Long, Dan Olsen, Ken Reynolds, JoAnn Hancock, Craig Blunt, and Nikki Kay.

CLOSED SESSION

Ken Reynolds **moved** to go out of a closed session. Dan Olsen **seconded** the motion. The motion passed with all voting affirmative with a roll call vote.

A six-month employee evaluation for Chris Hoem was presented to the Council. Dan Olsen **moved** to accept the employee evaluation for Chris Hoem and to give him the 5% increase. Chris Hoem asked the Council if the raise could be retroactive because it was past his six months. Council members agreed to go back to the first of July. Dan Olsen **amended** his motion to include that. Robert Hall **seconded** the motion. The motion passed with all voting aye.

SIX MONTH EMPLOYEE EVALUATION FOR CHRIS HOEM

Councilman Long reminded everyone of the ribbon cutting ceremony for the new UBATC/USU building on August 7, 2009 at 1:00 p.m. He also reminded them of the dinner the evening of the 6th.

OTHER MATTERS

Councilman Hall wanted the Council to be aware that future issues may arise regarding the lease agreements on the fire stations. He said Vernal recently submitted a request for the Fire District to resurface their lot around the fire station. The question came up as to who is responsible for improvements under a lease agreement. Councilman Hall told the District if they commit to doing the resurface work they will have to honor request from any of the other entities. He said that is where it was left but they may be addressing the matter in the future.

With no other business before the Council, Ken Reynolds **moved** to adjourn the meeting at 9:50. Dennis Long **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 13th DAY OF AUGUST 2009

BY: _____

ATTEST: _____